MADRAS ACT No. IV OF 1914[1].

[THE MADRAS MEDICAL REGISTRATION ACT, 1914.]

[12*th May* 1914.]

An Act for the Registration of Medical Practitioners.

Preamble. WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Madras; It is hereby enacted as follows :—

Short title. **1.** (1) This Act may be called the Madras Medical Registration Act, 1914.

Extent. (2) It extends to the whole of the Presidency of Madras.

Commencement of Act. **2.** The provisions of section 4 shall come into [2] force on such date as the [3][State Government] may notify in this behalf. The rest of this Act shall come into force at once.

Definitions. **3.** In this Act unless there is something repugnant in the subject or context,—

(1) "the British Medical Act" means Statute 21 and 22 Victoria, Chapter 90 (The Medical Act), and any Act amending the same;

(2) "Council" means the Medical Council established by this Act;

(3) "hospitals," "asylums," "infirmaries," "dispensaries," "lying-in hospitals" mean institutions the methods of treatment carried on in which are those which are approved by the Medical Council established by this Act;

(4) "prescribed" means prescribed by rules or by-laws made under this Act;

(5) "registered practitioner" means any person registered under the provisions of this Act.

Privileges of registered practitioners. **4.** Notwithstanding anything to the contrary in any enactment, rule, by-law or any other provision of law—

(1) No certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of the [3][State Government] no one other than a registered practitioner shall be competent to hold any appointment as physician,

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[1]For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1913, Pt. IV, p. 699; for Report of Select Committee, *see ibid*, p. 931; and for Proceedings in Council, *see ibid*, pp. 370 and 786; *ibid*, 1914, Pt. IV., pp. 90, 112, 399 and 404.

[2]The provisions of section 4 came into force on 1st June 1916.

[3]The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

surgeon or other medical officer in any hospital, asylum, infirmary, dispensary or lying-in hospital not supported entirely by voluntary contributions or as Medical Officer of health.

Constitution of Medical Council.

[1][5. (1) A Medical Council shall be established for the [2][State] of Madras, consisting of the following fifteen members, namely :—

(*a*) one member elected by the [3][Senate] of the University of Madras from among the members of the Faculty of Medicine of that University ;

(*b*) one member elected by the [3][Senate] of the Andhra University from among the members of the Faculty of Medicine of that University ;

(*c*) one member elected from amongst themselves by such members of the staff of the Medical College at Madras, as are registered practitioners ;

(*d*) one member elected from amongst themselves by such members of the staff of the Medical College at Vizagapatam, as are registered practitioners ;

(*e*) one member elected from amongst themselves by such members of the staff of the Stanley Medical College, Madras, as are registered practitioners ;

(*f*) seven members elected by the registered practitioners from amongst themselves ; and

(*g*) three members nominated by the [2][State] Government.

(2) In making nominations under clause (*g*) of subsection (1) the [2][State] Government shall have due regard to the claims of women, of medical missions and of other groups of practitioners, representatives of whom have not been elected by the electorates referred to in clauses (*a*) to (*f*) of that subsection.

(3) The president of the Council shall be elected by the members of the Council from amongst themselves in the prescribed manner :

Madras Act XVI of 1938.

Provided that for a period of four years from the date of the reconstitution of the Council under the Madras Medical Registration (Amendment) Act, 1938, the president shall be a person nominated by the [2][State] Government and holding

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[1]This section was substituted for section 5 by section 2 of the Madras Medical Registration (Amendment) Act, 1938) (Madras Act XVI of 1938).

[2]This word was substituted for the word " Province " by the Adaptation Order of 1950.

[3]This word was substituted for the words " Academic Council " by section 2 of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948, Madras Act VII of 1948).

office during their pleasure, and where he is not already a member, shall *ex officio* be a member of the Council in addition to the members specified in sub-section (1).

(4) The vice-president shall be elected by the members of the Council from amongst themselves in the prescribed manner.]

Qualifications of members.

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner.

[1][* * * * *]

Term of office of elected and nominated members.

[2][7. A member of the Council other than a nominated president who is a member *ex officio*, shall hold office for a term of five years from the date of his election or nomination and shall be eligible for re-election or re-nomination.]

Cessation of membership.

8. A member of the Council shall be deemed to have vacated his seat—

(1) on sending his resignation in writing to the president or registrar ;

(2) on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council ;

(3) on his absence out of India for six consecutive months ;

(4) on removal of his name from the register ;

(5) on his being declared an insolvent by any competent court ;

(6) on expiry of the term mentioned in section 7 ; [3] [and]

[4][(7) in case he was elected under [5][clause (*a*) or clause (*b*)] of sub-section (1) of section 5, also on his ceasing to be a member of the Faculty of Medicine of the University concerned.]

[6][(8) in case he was elected under clause (*c*), clause (*d*) or clause (*e*) of sub-section (1) of section 5 and has ceased to be a member of the staff of the Medical College concerned, also on the the expiry of three months from the date of such cessation or on the election of his successor, whichever occurs earlier.]

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[1]The proviso was omitted by section 3 of the Madras Medical Registration (Amendment) Act, 1938 (Madras Act XVI of 1938).

[2]This section was substituted for section 7 by section 4, *ibid.*

[3]The word " and " which was added by section 3 of the Madras Medical Registration (Amendment) Act, 1935 (Madras Act XXI of 1935), was omitted by section 3 (i) of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943). This was permanently re-enacted by section 2 of, and the First Shedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[4]This clause was added by section 3 of the Madras Medical Registration (Amendment) Act, 1395 (Madras Act XXI of 1935).

[5]This expression was substituted for the expression " clause (*b*) or clause (*bb*) " by section 5 of the Madras Medical Registration (Amendment) Act, 1938 (Madras Act XVI of 1938).

[6]This clause was added by section 3 (ii) of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

9. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5. Filling up of vacancies.

[1] [9-A. (1) There shall be an Executive Committee of the Council, consisting of its president and vice-president, *ex officio*, and three other members of the Council who shall be elected every year in the prescribed manner by the Council at its first meeting held in that year. Executive Committee.

(2) (*a*) Every member of the Executive Committee so elected shall hold office as such until the next annual election; and if any casual vacancy occurs before such election, the Executive Committee shall fill that vacancy by electing a member of the Council:

Provided that if before the vacancy is so filled, a meeting of the Council has been called for, the vacancy shall be filled bythe Council by electing one of its members.

(*b*) A member of the Committee elected to fill a casual vacancy shall hold office as such only until the next annual election.

(3) The council may, with the previous sanction of the [2] [State] Government, delegate any of its powers and duties to the Executive Committee.

(4) The [2] [State] Government shall have power to cancel any delegation made under sub-section (3).

(5) No business shall be transacted at a meeting of the Executive Committee unless at least three members thereof are present.

All questions which may come before the Executive Committee shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In the case of an equality of votes, the president, vice-president or any councillor presiding at the meeting shall have a casting vote.]

10. (1) The Council shall apoint a registrar who shall act as secretary of the Council and who shall also act as treasurer, unless the council shall appoint another person as treasurer. Every person so appointed shall be removable at the pleasure of the Council. Registrar and other officers.

(2) The Council may also employ such other persons as it may deem necessary for the purposes of this Act.

(3) All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Central Act XLV of 1860.

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[1]This section was inserted by section 4 of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[2]This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

Medical register.

11. It shall be the duty of the registrar to keep a register of medical practitioners and from time to time to revise the register and publish it in the prescribed manner. [1] [The names of the medical practitioners shall be arranged in the register in the alphabetical order, an asterisk being placed against the names of those who are entitled to vote at elections to the Medical Council of India under section 3 (1) (*c*) of the Indian Medical Council Act, 1933.] Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the [2] [Official Gazette.]

Central Act XXVII of 1933.

Central Act I of 1872.

Meetings of Council.

12. Except as otherwise provided in this Act, no business shall be transacted at a meeting of the Council unless at least seven members are present.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In the case of an equality of votes the member presiding at the meeting shall have a casting vote.

Persons who may be registered.

13. Subject to the provisions of section 14, every person who—

(*a*) is for the time being registered under the British Medical Act ; or

(*b*) is possessed of any of the qualifications described in the Schedule

shall be entitled to be registered on furnishing to the registrar proof of such registration or qualification whether or not such person practises or intends to practise the allopathic or any other system of medicine ;

Provided that the [3] [State Government] may, after consulting the Council permit the registration of any person who shall furnish to the registrar proof that he is possessed of a medical degree, diploma or certificate of any Universty, medical college or school approved by the Council, other than those described in the Schedule. [4] [Where such person is, at the time of his registration under this proviso, employed in a hospital, asylum, infirmary, dispensary or lying-in-hospital managed by a Mission, the [5][State] Government shall have power to direct that the registration shall be in force only so

[1] This sentence was inserted by section 6 of the Madras Medical Registration (Amendment) Act, 1938 (Madras Act XVI of 1938).

[2] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[3] The words " Provincial Government " were substituted for the words " Governorin Council" by the Adaptation Order of 1937 and the word "State" was substituted for " Provincial " by the Adaptation Order of 1950.

[4] This sentence was added by section 2 of the Madras Medical Registration (Amendment) Act, 1941 (Madras Act XXI of 1941). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[5] This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

long as he continues to be employed in any such hospital, asylum, infirmary, dispensary or lying-in hospital :]

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after an enquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

Registration fee.

[1] **[14.** (1)] Every person who applies to be registered under this Act shall pay a registration fee of [2] [twenty rupees].

[3] [Provided that any person whose name has been registered under any Act for the registration of medical practitioners for the time being in force in any other part of [4][ ] India shall be required to pay a registration fee of only five rupees if the Act aforesaid provides for the registration of persons registered under this Act without the payment of any fee or on payment of a fee not exceeding five rupees.]

[1] [(2)] Every registered practitioner who applies to the registrar for registration [5] [under a new name, or] in respect of any additional qualification obtained subsequent to registration under this Act shall pay a fee of five rupees.

[6] [(3) * * * *]

Appeal against the decision of registrar.

15. An appeal shall lie to the Council against any order of the registrar under section 13 or section 14. The said appeal shall be preferred within three months from the date of the order appealed against.

Alteration of register by Council.

16. (1) The Council may, if it sees fit and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended.

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[1] The first paragraph of section 14 was renumbered as sub-section (1) and the second paragraph as sub-section (2) of secton 14 by section 2 of the Madras Medical Registration (Amendment) Act, 1929 (Madras Act X of 1929).

[2] These words were substituted for the words "fifteen rupees " by section 5(i) of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943) re-enacted permanently by section 2 of and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[3] This proviso was added by section 5(ii), *ibid.*

[4] The word " British " was omitted by the Adaptation (Amendment) Order of 1950.

[5] These words were inserted bybsection 5 (iii) of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943) re-enacted permanently by section 2 of and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[6] Sub-section (3) which was inserted by section 2 sf the Madras Medical Registration (Amendment) Act, 1929 (Madras Act of 1929), was omitted by section 5 (iv) of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943) re-enacted permanently by section 2 of and the First Sshedule to the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

(2) The Council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under section 13 and the second proviso thereto shall apply to any inquiry under this section. The Council may also direct that any name so removed shall be restored :

[1][Provided that no medical practitioner shall be removed from the register on the ground of his association in any professional respect, with a qualified practitioner of Indian Medicine such as Ayurvedic, Unani and Siddha or an unregiste red practitioner if such unregistered practitioner—

(*a*) is possessed of any of the qualifications described in the Schedule, and

(*b*) is not a person whose name the Council has refused toregister under the second proviso to section 13 or whose name the Council has removed from the register un der this sub-section.

Explanation.—The expression ' qualified practitioner ' shall, for the purposes of this proviso, mean ' a practitioner qualified under rules made by the [2][State Government] in this behalf.']

[3][(3) Nothing in sub-section (2) shall relieve a registered practitioner of any obligations or code of ethics which may be imposed upon registered practitioners generally by the Council.]

[3][(4) Any registered practitioner may make an application to the Council for the deletion of his name from the medical register, and the Council may, on such application and subject to such rules as may be made by the [2][State Government,] direct such deletion. Any such practitioner may apply for fresh registration under section 13.]

Procedure in inquiries and appeals.

17. (1) An inquiry under section 13 or section 16 may be held by a committee consisting of three members of the Council elected for the purpose by the Council. The Council or the committee, as the case may be, may at its discretion hold such inquiry *in camera*. [4][When the inquiry is held by a committee, it shall make a report to the Council which shall pass orders under section 13 or section 16, as the case may be.]

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[1] The proviso was added by section 2 of the Madras Medical Registration (Amendment) Act, 1932 (Madras Act IX of 1932).

[2] The words " Provincial Government " were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] Sub-sections (3) and (4) were added by section 2 of the Madras Medical Registration (Amendment) Act, 1932 (Madras Act IX of 1932).

[4] This sentence was substituted for the sentence " The decision of the committee shall be deemed to be the decision of the Council"; by section 6 of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943), re-enacted permanently by section 2 of and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

(2) For the purpose of any such inquiry or of any appeal under section 15, the Council or any committee thereof elected as aforesaid shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 ; and shall exercise all the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 ; and such inquiries and appeals shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 20 of the said Public Servants (Inquiries) Act, 1850.

Central Act I of 1872.

Central Act XXXVII of 1850.

18. An appeal shall lie to the [1] [State Government] against every decision of the Council under section 13 or section 16. Such appeal shall be preferred within three months from the date of the Council's decision.

Appeal against the decision of Council.

19. No act done in the exercise of any power conferred [2] [by or under this Act] on the [1] [State Government] or the Council [2] [or the Executive Committee] or the registrar shall be questioned in any civil court.

Limiting of jurisdiction of civil courts.

20. It shall be lawful for the [1] [State Government] by notification in the [3] [Official Gazette] to alter the Schedule :

Power of State Government to alter schedule.

Provided that no medical degree, diploma or certificate granted in any British Colony or foreign country which does not recognize the medical degrees, diplomas or certificates of [4] [any Government or University in India] shall be included in the Schedule.

21. The Council shall have power to call on the governing body or authorities of any University, medical college or school included in or desirous of being included in the Schedule—

Power of Council to call for information regarding efficiency of teaching and examinations.

(*a*) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in medicine and surgery and midwifery ; and

(*b*) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the examinations held by such University, college or school.

If the said body or authorities refuse to comply with any such demand, the [1] [State Government] may upon report by the Council remove such University, college or school from the Schedule or refuse to include it in the Schedule.

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[1] The words " Provincial Government " were substituted for the words " Governor in Council" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] The words " by or under this Act " were substituted for the words " by this Act " and the words " or the Executive Committee " were inserted by section 7 of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[4] These words were substituted for the words " a British Indian Government or University " by the Adaptation (Amendment) Order of 1950.

Control by State Government.

22. If at any time it shall appear to the [1] [State Government] that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the [1] [State Government] may notify the particulars of such neglect, excess or abuse to the council; and, if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the [1] [State Government] in this behalf, the [1] [State Government] may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the [1] [State Government] may think fit.

Penalty for falsely pretending to be a registered practitioner.

23. Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished on conviction by a Presidency Magistrate or a magistrate of the first class with fine that may extend to three hundred rupees.

Power to make rules and by laws.

24. (1) The [1] [State Government] may after previous publication make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision, the [1] [State Government] may make rules,—

(i) for the election of members to the Council under [2] [section 5];

(ii) for the [3] [election and term of office of the president and vice-president] of the Council;

[4] [(ii-a) for the election of the members of the Executive Committee];

(iii) to regulate the procedure at an inquiry held under section 13 or section 16;

(iv) for the institution, hearing and disposal of appeals under section 15 or section 18;

(v) for the compilation and publication of the register;

(vi) for the disposal of fees received under this Act.

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[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] This expression was substituted for the expression " sections 5 and 6 ", by section 7 (*a*) of the Madras Medical Registration (Amendment) Act, 1938 (Madras Act XVI of 1938).

[3] These words were substituted for the words " election of the vice-president ", by section 7 (*b*), *ibid.*

[4] This clause was inserted by section 8 (i) of the Madras Medical Registration (Amendment) Act, 1943 (Madras Act IV of 1943) re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

(2) The Council may, with the previous sanction of the [1] [State Government] make by-laws,—

(i) for the convening of meetings of the Council [2] [and of the Executive Committee];

(ii) for the conduct of business at such meetings;

(iii) for the appointment, control, pay and allowances of the establishment employed under section 10.

[3] [25. * * *].

THE SCHEDULE.

[4] [(1) The degree of Doctor, Bachelor and Licentiate of Medicine and Master, Bachelor and Licentiate of Surgery of the University of Madras, the Andhra University, the Oosmania University and the Universities of Allahabad, Bombay, Calcutta, Lahore, Lucknow, Mysore and Rangoon.]

(2) A diploma orcertificate granted by [5][any Government in India] [6] [the Government of Burma] or the Government of Ceylon to any person trained in a medical college or school declaring him to be qualified to practise medicine, surgery and midwifery.

[7] [(3) The diploma of Fellow and Member and the Licentiate certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.]

[8] [(4) A diploma granted by [9] [the Government of Hyderabad] to any person trained in the Hyderabad Medical School declaring him to be qualified to practise medicine, surgery and midwifery.]

[10] [(5) The diploma of Licensed Medical Practitioner granted by His Highness the Maharaja of Mysore's Medical School.]

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1 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words were added by section 8 (ii), *ibid.*

3 Section 25 which was inserted by the Adaptation Order of 1937, was omitted by the Adaptation (Amendment) Order of 1950.

4 Clause (1) was substituted by Notification No. 1451, published at page 529 of Part I-A of the *Fort St. George Gazette*, dated 20th November 1934.

5 These words were substituted for the words "a British Indian Government" by the Adaptation (Amendment) Order of 1950.

6 These words were inserted by the Adaptation Order of 1937.

7 Clause (3) was added by Notification No. 26, published at page 725 of Part I-A of the *Fort St. George Gazette*, dated 19th December 1916.

8 Clause (4) was added by Notification No. 27, published at page 228 of Part I-A of the *Fort St. George Gazette*, dated 26th March 1918.

9 These words were substituted for the words "His Exalted Highness the Nizam's Government" by the Adaptation (Amendment) Order of 1950.

10 Clause (5) was added by Notification No. 15, published at page 9 of Part I of the *Fort St. George Gazette*, dated 6th January 1925.